

Message Text

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14-11
ORIGIN L-02

INFO OCT-01 NEA-10 ISO-00 EB-07 TRSE-00 CIAE-00 DODE-00

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S/S:RKUCHEL

----- 107189

R 192344Z JUN 75
FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN

LIMITED OFFICIAL USE STATE 144852

E.O. 11652: N/A
TAGS: EFIN, IR
SUBJECT: IRANIAN LEND LEASE DEBT

REFS: A. TEHRAN 5606, B. STATE 82891, C. STATE 77280,
D. TEHRAN 4178

1. PARA 2 CONTAINS TEXT OF NOTE (OMITTING HONORIFIC OPEN-
ING AND CLOSING) AND ATTACHMENT IN RESPONSE TO MFA NOTE
2120/4 OF DECEMBER 12, 1974, CONCERNING THE IRANIAN
COUNTERCLAIM FOR DAMAGE TO IRANIAN STATE RAILWAYS DURING
WWII. WHEN YOU DELIVER THE NOTE AND ATTACHMENT TO THE
MFA, PLEASE POINT OUT AGAIN (REFS B, C) THAT USG CONSIDERS
CLAIM AND COUNTERCLAIM TO BE SEPARATE MATTERS AND THAT
ACTION ON ONE SHOULD NOT BE CONTINGENT ON PROGRESS IN THE
OTHER. FURTHER, WE HOPE THAT SINCE ALL EVIDENCE HAS BEEN
SUBMITTED AND EVALUATED IN THE CASE OF THE LEND-LEASE
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CLAIM, THAT CLAIM WILL BE QUICKLY DISPOSED OF. FYI AS YOU
KNOW (REF D), ROBINSON HAS ALREADY DISCUSSED WITH ANSARY
SETTLEMENT OF LEND-LEASE CLAIM, AND MAY BRING IT UP AGAIN
WHEN HE MEETS WITH ANSARY IN NEAR FUTURE. WE DO NOT,

HOWEVER, EXPECT ROBINSON TO MENTION THE COUNTERCLAIM. IF ANSARY RAISES COUNTERCLAIM, ROBINSON WILL REFER TO POSITION SET OUT IN REFS B, C AND TO FOLLOWING NOTE AND ATTACHMENT. END FYI.

2. NOTE: QUOTE IN REFERENCE TO THE IMPERIAL MINISTRY OF FOREIGN AFFAIRS NOTE NO. 2120/4 OF DECEMBER 12, 1974,

THE GOVERNMENT OF THE UNITED STATES HAS STUDIED THE CLAIM OF THE IMPERIAL GOVERNMENT OF IRAN STATED IN THE MEMORANDUM ANNEXED TO THE MINISTRY'S NOTE. THE GOVERNMENT OF THE UNITED STATES WISHES TO GIVE FULL AND CAREFUL CONSIDERATION TO THE CLAIM OF THE IMPERIAL GOVERNMENT OF IRAN. HOWEVER, WE SHALL REQUIRE MORE AMPLE DOCUMENTATION AND INFORMATION THAN IS CONTAINED IN THE MEMORANDUM ANNEXED TO THE MINISTRY'S NOTE BEFORE WE ARE ABLE TO REPLY IN SUBSTANCE TO THE ALLEGATIONS OF THE MEMORANDUM. WE THEREFORE ASK THAT THE IMPERIAL GOVERNMENT OF IRAN PROVIDE THE INFORMATION WE REQUEST IN THE ATTACHMENT TO THIS NOTE, SO THAT THE GOVERNMENT OF THE UNITED STATES MAY EVALUATE THE LEGAL ARGUMENTS MADE BY THE IMPERIAL GOVERNMENT OF IRAN IN SUPPORT OF ITS CLAIM. END QUOTE.

ATTACHMENT: QUOTE THE UNITED STATES UNDERSTANDS IRAN'S ARGUMENTS CONCERNING AMERICAN RESPONSIBILITY FOR DAMAGES SUFFERED BY IRANIAN STATE RAILWAYS DURING WORLD WAR II TO REST ON THE PROPOSITION THAT THE UNITED STATES UNDERTOOK EXPRESSLY OR IMPLICITLY TO ASSUME THE OBLIGATIONS THE UNITED KINGDOM WOULD HAVE HAD UNDER THE TERMS OF ARTICLE 13 OF THE DRAFT AGREEMENT OF MARCH 1942. IT WOULD BE MOST HELPFUL TO US IN CLARIFYING THE ARGUMENTS RELATING TO THIS CLAIM IF THE GOVERNMENT OF IRAN WOULD FURNISH THE FOLLOWING INFORMATION AND MATERIALS:

(A) DOCUMENTATION SHOWING THE INTENTION OF THE U.K. TO COMPLY WITH THE TERMS OF ARTICLE 13 THOUGH THE AGREEMENT IN WHICH THAT ARTICLE WAS PLACED WAS NEVER CONCLUDED;
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(B) EVIDENCE OF THE UNDERSTANDING OF IRAN THAT THE TERMS OF ARTICLE 13 GOVERNED THE BRITISH OPERATION OF THE RAILWAYS EVEN THOUGH THE AGREEMENT WAS NEVER SIGNED;

(C) DOCUMENTATION SHOWING THE U.S. TO HAVE ASSUMED BRITISH FINANCIAL RESPONSIBILITY TO IRANIAN STATE RAILWAYS;

(D) DOCUMENTATION SHOWING THE U.S. TO HAVE ASSUMED THE OBLIGATIONS OF THE BRITISH UNDER ARTICLE 13;

(E) EVIDENCE THAT THE GOVERNMENT OF IRAN AT THE TIME UNDERSTOOD THE U.S. TO HAVE ASSUMED BRITISH FINANCIAL

RESPONSIBILITY TO IRANIAN STATE RAILWAYS GENERALLY, AND
THE OBLIGATIONS OF ARTICLE 13 PARTICULARLY, WHEN THE U.S.
UNDERTOOK MANAGEMENT OF THE RAILWAYS IN 1943; -

(F) RECITATION OF ATTEMPTS MADE BY THE GOVERNMENT OF IRAN
TO PRESENT ITS CLAIMS IN THE FIRST INSTANCE TO THE U.K.;

(G) DETAILS OF THE PRECEDENTS TO WHICH THE GOVERNMENT OF
IRAN REFERS, CONCERNING U.S. PAYMENT OF SIMILAR CLAIMS
FOLLOWING WORLD WAR II. END QUOTE KISSINGER

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<< END OF DOCUMENT >>

Message Attributes

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